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Counsel for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT****DISTRICT OF NEVADA**

In re:  
USA COMMERCIAL MORTGAGE COMPANY,  
  
Debtor.

In re:  
USA CAPITAL REALTY ADVISORS, LLC,  
  
Debtor.

In re:  
USA CAPITAL DIVERSIFIED TRUST DEED  
FUND, LLC,  
  
Debtor.

In re:  
USA CAPITAL FIRST TRUST DEED FUND,  
LLC,  
  
Debtor.

In re:  
USA SECURITIES, LLC,  
  
Debtor.

Affects:  
☐ All Debtors  
☒ USA Commercial Mortgage Company  
☐ USA Capital Realty Advisors, LLC  
☐ USA Capital Diversified Trust Deed Fund, LLC  
☐ USA Capital First Trust Deed Fund, LLC  
☐ USA Securities, LLC

Case Nos.:  
BK-S-06-10725-LBR  
BK-S-06-10726-LBR  
BK-S-06-10727-LBR  
BK-S-06-10728-LBR  
BK-S-06-10729-LBR

JOINTLY ADMINISTERED  
Chapter 11 Cases

Judge Linda B. Riegle Presiding

**NOTICE OF FILING PROOF OF  
SERVICE OF SUBPOENA FOR  
RULE 2004 EXAMINATION**

NOTICE IS GIVEN that USACM Liquidating Trust has filed herewith:

**Proof of Service of Subpoena for Rule 2004 Examination  
on Bank of the West (Exhibit A Attached).**

1 DATED: April 24, 2007

2 **LEWIS AND ROCA LLP**

3 By: /s/ Rob Charles (#6593)

4 Susan M. Freeman, AZ 4199 (pro hac vice)  
5 Rob Charles, NV 6593  
6 3993 Howard Hughes Parkway, Suite 600  
7 Las Vegas, Nevada 89169-5996

8 *Counsel for Official Committee of Unsecured Creditors of*  
9 *USA Commercial Mortgage Company*

10 -and-

11 **DIAMOND MCCARTHY TAYLOR FINLEY & LEE LLP**

12 By: /s/ Eric D. Madden (pro hac vice)

13 Allan B. Diamond, TX 05801800 (pro hac vice)  
14 William T. Reid, IV, TX 00788817 (pro hac vice)  
15 Eric D. Madden, TX 24013079 (pro hac vice)  
16 1201 Elm Street, 34th Floor  
17 Dallas, Texas 75270

18 *Special Litigation Counsel for Official Committee of*  
19 *Unsecured Creditors of USA Commercial Mortgage Company*  
20  
21  
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23  
24  
25  
26

AFFIDAVIT

State of Nevada )  
County of Washoe ) ss.

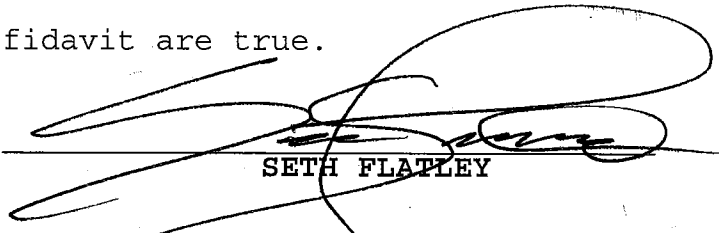
SETH FLATLEY, being first duly sworn deposes and says:

That affiant is a citizen of the United States, over 18 years of age, licensed to serve civil process in the State of Nevada under license #322, and not a party to, nor interested in the within action affiant received the documents on Apr 16 2007 3:10PM and on Apr 16 2007 4:40PM affiant personally served a copy of the SUBPOENA FOR RULE 2004 EXAMINATION

on CANDICE MAYHEW OF THE OFFICE OF CORPORATION TRUST COMPANY OF NEVADA, RESIDENT AGENT FOR BANK OF THE WEST

6100 NEIL RD #500  
RENO, NV 89511

Affiant does hereby affirm under penalty of perjury that the assertions of this affidavit are true.

  
SETH FLATLEY

Signed and sworn to before me on Apr 17 2007  
by SETH FLATLEY

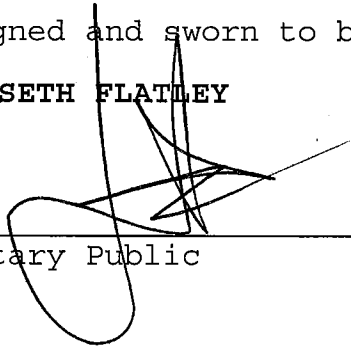
  
Notary Public



EXHIBIT "A"

Reno/Carson  
Messenger  
Service, Inc.  
License #322

185 Martin St  
Reno, NV 89509  
775-322-2424